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Message Text

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53
ACTION NEA-12

INFO OCT-01 ISO-00 PER-05 FSE-00 L-03 USIA-15 AID-20 PC-10

DEAE-00 A-01 OC-06 CCO-00 DRC-01 RSC-01 /075 W
---------- 080486
R 160715Z APR 74
FM AMEMBASSY KABUL
TO SECSTATE WASHDC 7532

UNCLAS KABUL 2267

E.O. 11652: N/A
TAGS: AFSP, AF
SUBJECT: OFFICIAL WORK WEEK

REF: STATE 044412

PASS USIA, AID, PC, DEA

1. AFTER TAKING INTO CONSIDERATION THE DEPARTMENT'S VIEW IN REFTEL AND PREVIOUS MESSAGES ON THIS SUBJECT, THE VIEWS OF THE EMPLOYEES OF THE US MISSION IN AFGHANISTAN, THE VIEWS OF NON-OFFICIAL AMERICANS IN KABUL, AND THE AFFECTS OF A CHANGE ON OUR BUDGET, OUR COMMUNICATIONS WITH WASHINGTON AND OUR RELATIONS WITH THE GOA, I HAVE DECIDED TO INSTITUTE, EFFECTIVE MAY 2, 1974, A THURSDAY-FRIDAY, INSTEAD OF THE PRESENT FRIDAY AND SUNDAY WEEKEND. ALTHOUGH THIS DECISION INVOLVES THE PAYING OF PREMIUM PAY FOR SUNDAY WORK TO MOST OF OUR AMERICAN EMPLOYEES, IT ACCORDS WITH LOCAL CUSTOM, WITH THE INTENT OF THE CONGRESS THAT WEEKENDS BE ON TWO CONSECUTIVE DAYS AND WITH THE WISHES OF THE OVERWHELMING MAJORITY OF THE MISSION'S EMPLOYEES.

ALL AGENCIES REPRESENTED IN THE MISSION INDICATE THAT THERE ARE SUFFICIENT FUNDS AVAILABLE TO MEET THE COST OF SUNDAY PREMIUM PAY.

2. THE MISSION IS NOT, HOWEVER, ABLE TO AFFORD THE HOLIDAY PAY THAT WOULD HAVE TO BE PAID AMERICAN EMPLOYEES IF
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MONDAY HOLIDAYS WERE TO BE SHIFTED TO SATURDAYS TO ACCORD

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WITH THE CLEAR INTENT OF THE CONGRESS THAT FIVE AMERICAN HOLIDAYS BE SCHEDULED TO PROVIDE AMERICANS WITH AT LEAST FIVE THREE-DAY WEEKENDS EACH YEAR. WE WILL BE REQUESTING FUNDS IN OUR BUDGETS FOR HOLIDAY PAY SO THAT WE CAN FOLLOW THE INTENT OF CONGRESS, BUT WE WILL NOT BE ABLE TO INSTITUTE THIS CHANGE UNTIL THE FUNDS ARE AVAILABLE.

3. HAVING TO PAY SUNDAY PREMIUM PAY UNDER THE MISSION'S NEW POLICY OR HOLIDAY PAY IN ACCORDANCE WITH PARA 2 ABOVE IS, HOWEVER, IN MY VIEW, AN EXPENSE FORCED UPON THE TAXPAYER BY A LAW WHICH SHOULD BE CHANGED. WE ARE OF THE VIEW THAT CONGRESS, IN FORCING SUCH AN EXPENSE ON THE TAXPAYER IN ORDER TO PROVIDE WEEKENDS OF TWO OR THREE CONSECUTIVE DAYS FOR AMERICANS IN POSTS SUCH AS KABUL, DID NOT TAKE INTO CONSIDERATION THE SPECIAL CONDITIONS EXISTING IN MOSLEM COUNTRIES WHERE FRIDAY IS STRICTLY OBSERVED AS THE SABBATH. WE URGE THE DEPARTMENT TO PROPOSE TO THE CONGRESS LEGISLATION AUTHORIZING CHIEFS OF MISSION TO ARRANGE WORKWEEKS ACCORDING TO LOCAL CUSTOM WITHOUT HAVING TO PAY SUNDAY PREMIUM AND HOLIDAY PAY FOR WORK PERFORMED ON SUNDAYS AND HOLIDAYS IN A SCHEDULED FIVE-DAY, FORTY-HOUR WORKWEEK. SUCH LEGISLATION WOULD SAVE THE TAXPAYER MONEY, ASIDE FROM BEING
GOOD COMMON SENSE.

4. WE ARE NOT ONLY NOT LAWYERS, BUT HAVE BEEN SOMEWHAT AWED BY THE DEPARTMENT'S LEGAL EXPERTISE ON THIS MATTER. NEVERTHELESS, WE PRESUME TO SUGGEST THE FOLLOWING LANGUAGE WHICH MIGHT BE PROPOSED TO THE CONGRESS EITHER AS A SEPARATE PIECE OF LEGISLATION OR AS A RIDER ON ANOTHER PIECE OF LEGISLATION. WE HAVE NO PRIDE OF AUTHORSHIP AND ARE ONLY INTERESTED IN HELPING SPEED UP THE PROCESS TO ACCOMPLISH WHAT APPEARS FROM HERE TO BE A SOUND OBJECTIVE. QUOTE: (AN AMENDMENT ADDING AN ADDITIONAL SUBSECTION TO TITLE 5, SECTION 6101(A), AS FOLLOWS). SECTION 6101(A) (6). NOTWUHHSTANDING THE PROVISIONS OF (3) (B) AND (E) OF THIS SUBSECTION, THE HEAD OF AN EXECUTIVE AGENCY OR A MILITARY DEPARTMENT, AT A POST OUTSIDE THE UNITED STATES WHERE CUSTOMARY DAYS OF THE WORKING WEEK FALL ON DAYS OTHER THAN MONDAY THROUGH FRIDAY, MAY ESTABLISH A BASIC ADMINISTRATIVE WORKWEEK OF 40 HOURS ON 5 OTHER CONSECUTIVE DAYS WHICH BETTER
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ACCORD WITH SUCH PREVAILING CUSTOM. IN SUCH EVENT THE PROVISIONS OF SECTION 5546 (A) OF THIS TITLE RELATING TO PREMIUM PAY FOR WORK ON SUNDAY SHALL NOT APPLY BUT THE HEAD OF THE EXECUTIVE AGENCY ESTABLISHING SUCH ADMINISTRATIVE WORK WEEK SHALL DESIGNATE ONE OF THE TWO DAYS OUTSIDE THE BASIC WORK WEEK AS A DAY EQUIVALENT TO SUNDAY AND PREMIUM PAY SHALL BE PAID FOR WORK ON SUCH DAY IN ACCOREANCE WITH THE PROVISIONS OF SECTION 5546 (A) OF THIS TITLE. WHERE THE HEAD OF THE EXECUTIVE

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AGENCY HAS TAKEN SUCH ACTION, THE PROVISIONS OF SECTION 6103 (B) OF THIS TITLE SHALL NOT APPLY, HOWEVER, WHERE A LEGAL HOLIDAY, AS DEFINED IN SECTION 6103 OF THIS TITLE, FALLS ON EITHER OF THE TWO DAYS DESIGNATED BY THE HEAD OF THE EXECUTIVE AGENCY PURSUANT TO THIS SUBSECTION AS OUTSIDE THE BASIC WORK WEEK, THE HEAD OF THE EXECUTIVE AGENCY SHALL DESIGNATE THE DAY IMMEDIATELY BEFORE THE DAYS OUTSIDE THE BASIC ADMINISTRATIVE WORK WEEK OR THE DAY IMMEDIATELY FOLLOWING THE DAYS OUTSIDE THE BASIC ADMINISTRATIVE WORK WEEK AS A LEGAL HOLIDAY IN ACCORDANCE WITH THE BASIC PURPOSES OF SECTION 6103 OF THIS TITLE AND IN ACCORDANCE WITH CONSIDERATIONS OF ADMINISTRATIVE CONVENIANCE, INCLUDING COORDINATION WITH LOCAL CUSTOMS AND LOCAL HOLIDAYS. END QUOTE.

5. THE MOST RECENT EDITION OF 5 USC HELD AT POST IS DATED JANUARY 13, 1970. OUR COPY DOES NOT, THEREFORE, CONTAIN THE LANGUAGE OF THE MONDAY HOLIDAY LAW. NATURALLY WE ARE UNABLE TO PROPOSE LANGUAGE TO AMEND THAT LEGISLATION AS WE HAVE HANDLED 5USC6101 IN PARAGRAPH FOUR. WE REQUEST, THEREFORE, THAT THE DEPARTMENT DRAFT AMENDATORY LANGUAGE WHICH WOULD ASSURE THAT THE CHIEF OF MISSION HAS AUTHORITY TO SCHEDULE MONDAY HOLIDAYS TO FOLLOW THE TWO DAYS OUTSIDE THE LOCAL WORK WEEK AND TACK IT ON TO THE LANGUAGE ABOVE.

6. WE ASSUME THAT DEPT, AID AND USIA WILL WANT TO CONSULT ON THIS MATTER WITH AFSA, WHICH RAISED THE MATTER HERE IN FIRST INSTANCE.

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Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
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